



Attorney's Docket No.: 11926-015001

GAU 1655#  
#8 Webb  
RECEIVED  
SEP 25 2001  
TECH CENTER 1600/2900

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.  
Serial No. : 09/658,659  
Filed : September 8, 2000  
Title : GENE SEQUENCE VARIANCE IN GENES RELATED TO FOLATE METABOLISM HAVING UTILITY IN DETERMINING THE TREATMENT OF DISEASE

Art Unit : 1655  
Examiner : A. Chakrabarti

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed April 20, 2001, applicant elects the invention of Group XV, claims 171-181, drawn to nucleic acid molecules related to SEQ ID NO:15. Applicant does not understand the requirement that a single sequence be elected. If the Examiner is requesting that only one of (a)-(h) in claim 171 be elected, Applicant traverses the requirement.

The Examiner states that the requirement was imposed in accordance with MPEP 803.04, which states that "nucleotide sequences encoding different proteins are structurally distinct and are unrelated to one another." SEQ ID NO:15 is the human methylenetetrahydrofolate reductase (MTHFR) gene. Each of (a)-(h) in claim 171 represents a single nucleotide polymorphism in the MTHFR gene. Thus, (a)-(h) in claim 171 are not unrelated to each other. Each represents a single nucleotide variation in the same gene encoding the same protein (albeit with any amino acid alteration caused by the polymorphisms). They do not represent eight different proteins as the Examiner appears to suggest. Rather, they represent eight single nucleotide changes in a single gene. In fact, as Table 10 reveals, only two of these eight single nucleotide polymorphisms even cause a change in the amino acid sequence of human methylenetetrahydrofolate reductase.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 17, 2001  
Date of Deposit  
Signature Carrie A. Amonte  
Typed or Printed Name of Person Signing Certificate Carrie A. Amonte

09/24/2001 MWOLDER1 00000034 09658659

01 FC:217

445.00.00

Applicant : Vincent P. Stanton  
Serial No. : 09/658,659  
Filed : September 8, 2000  
Page : 2

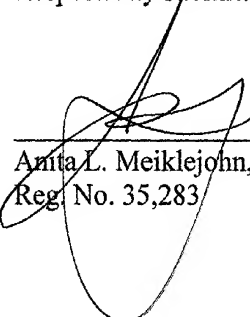
Attorney's Docket No.: 11926-015001

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw this requirement.

A Petition for Extension of Time with the appropriate fee is enclosed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 17 Sept 2001

  
Anita L. Meiklejohn, Ph.D.  
Reg. No. 35,283

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906